

UNITED STATES COURT OF APPEALS FOR  
THE SIXTH CIRCUIT

KELLOGG COMPANY,	)	
Petitioner/Cross-Respondent,	)	
v.	)	Nos. 15-2031/2183
	)	
	)	Board Case No:
	)	15-CA-115259
NATIONAL LABOR RELATIONS BOARD,	)	
Respondent/Cross-Petitioner,	)	
	)	
BAKERY, CONFECTIONARY, TOBACCO	)	
WORKERS, AND GRAIN MILLERS	)	
INTERNATIONAL UNION, AFL-CIO, CFC;	)	
BAKERY, CONFECTIONARY, TOBACCO	)	
WORKERS, AND GRAIN MILLERS LOCAL	)	
UNION 252-G,	)	
Intervenors.	)	

**JUDGMENT**

Before: SILER, BATCHELDER, and GIBBONS, Circuit Judges.

THIS CAUSE came to be heard upon a petition filed by the Kellogg Company to review an Order of the National Labor Relations Board dated May 7, 2015, in Case No. 15-CA-115259, reported at 362 NLRB No. 86, and upon a cross-application for enforcement filed by the National Labor Relations Board to enforce said Order. The Court heard argument of the parties and has considered the briefs and agency record filed in this cause. On October 26, 2016, the Court, being fully advised in the premises, handed down its opinion granting in part the petition of the Kellogg Company and granting in part the Board's cross-petition for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that the Kellogg Company, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

ENTERED BY ORDER OF THE COURT



---

Clerk

NATIONAL LABOR RELATIONS BOARD

v.

KELLOGG COMPANY

**ORDER**

Kellogg Company, Memphis, Tennessee, its officers, agents, successors, and assigns, shall

1. Cease and desist from failing and refusing to provide Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 252-G (the Union) with information it requests that is necessary and relevant to the performance of its role as the collective-bargaining representative of the unit employees.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
  - (a) Timely furnish the Union with the information about job bidding that it requested on October 10, 2013.
  - (b) Within 14 days after service by the Region, post at its facility in Memphis, Tennessee, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 15, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate

and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since October 10, 2013.

- (c) Within 21 days after service by the Region, file with the Regional Director for Region 15 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

**APPENDIX NOTICE TO EMPLOYEES**

**POSTED PURSUANT TO A JUDGMENT OF  
THE UNITED STATES COURT OF APPEALS ENFORCING AN  
ORDER OF THE NATIONAL LABOR RELATIONS BOARD**

**An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

**FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist any union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to provide Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 252-G (the Union) with information it requests that is necessary and relevant to the performance of its role as the collective-bargaining representative of our employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of the rights listed above.

WE WILL provide to the Union the relevant information regarding job bidding that it requested on October 10, 2013.

**KELLOGG COMPANY**